

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FRANCISCO ALBERTO MORALES,) Civil No. 10cv202 L(WVG)
Plaintiff,) **ORDER REQUIRING RESPONSE
v.) TO MOTION TO DISMISS
BANK OF AMERICA, *et al.*,) COMPLAINT
Defendants.)

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Plaintiff filed his complaint on January 26, 2010. The served defendants filed a motion to dismiss the complaint. Instead of responding to the motion to dismiss, plaintiff timely filed an amended complaint. On June 11, 2010, defendants filed a motion to dismiss the amended complaint [doc. #7] that was set for hearing on August 2, 2010. Although represented by counsel, plaintiff has not filed an opposition to the motion.

Failure to file an opposition is addressed in Civil Local Rule 7.1(f)(3)(c):

Unless otherwise provided by rule or court order, a party opposing a motion, or other request for ruling by the court *must* file a written opposition. If such party chooses not to oppose the motion, the party *must* file a written statement that the party does not oppose the motion or other request for ruling by the court.

Civ. L.R. 7.1(f)(3)(c) (emphasis added). This Rule was designed to relieve the Court of the burden of reviewing the merits of a motion without full briefing. Such a review requires a significant amount of scarce judicial time.

1 Civil Local Rule 83.1 provides for sanctions for noncompliance with the Local Rules:

2 Failure of counsel or of any party to comply with these rules, with the Federal
3 Rules of Civil Procedure or Criminal Procedure, or with any order of the court
4 may be found for imposition by the court of any and all sanctions authorized by
5 statute or rule or within the inherent power of the court, including, without
6 limitation, dismissal of any actions, entry of default, finding of contempt,
7 imposition of monetary sanctions or attorneys' fees and costs, and other lesser
8 sanctions.

9 CIV. L. R. 83.1(a).

10 Based on the foregoing, **IT IS ORDERED** that plaintiffs shall file an opposition to
11 defendants' motion to dismiss or a statement that he does not oppose the motion **on or**
12 **before September 3, 2010. IT IS FURTHER ORDERED** that failure to comply with this
13 Order shall result in an order to show cause why sanctions should not be imposed upon plaintiffs
14 and/or their counsel.

15 **IT IS SO ORDERED.**

16 DATED: August 26, 2010

17 
18 M. James Lorenz
19 United States District Court Judge

20 COPY TO:

21 HON. WILLIAM V. GALLO
22 UNITED STATES MAGISTRATE JUDGE

23 ALL PARTIES/COUNSEL

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